



Davies  
Howe  
Partners  
LLP

Lawyers

The Fifth Floor  
99 Spadina Ave  
Toronto, Ontario  
M5V 3P8

T 416.977.7088  
F 416.977.8931  
davieshowe.com

Please refer to: **Aaron Platt**  
e-mail: [AaronP@davieshowe.com](mailto:AaronP@davieshowe.com)  
direct line: 416.263.4500  
File No. 702961

October 3, 2016

**By E-Mail Only to [clerk@toronto.ca](mailto:clerk@toronto.ca)**

Council for the City of Toronto  
City Hall 13th floor, West Tower  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Attention: Ulli S. Watkiss, City Clerk

Dear Members of Council:

**Re: TOcore: Updating Tall Building Setbacks in the Downtown – City-initiated Official Plan Amendment and Zoning By-law Amendments – Final Report  
City Reference Number: 16-103066 SPS 00 OZ  
Agenda Item: TE17.14**

We are counsel to Bloor-Madison Realty Inc. (“Bloor-Madison”), owners of 320-326 Bloor Street West (the “Lands”).

The Lands are located near the intersection of Bloor Street West and Spadina Ave, within the Downtown and adjacent to the intersection of two subway lines. Our clients’ property currently contains a three-storey mixed commercial-residential building. It is a prime candidate for redevelopment as a tall building.

The property immediately adjacent to the Lands, 316 Bloor Street West (“316”), is the subject of recent rezoning and site plan applications to permit a mixed use building with a height of approximately 137.8 m (with mechanical penthouse). Our client is carefully monitoring the progress of 316’s applications and has been made a party to 316’s Ontario Municipal Board (“OMB”) appeal of its rezoning application.

In recent months, the City, neighbouring owners including our client, and residents group have been engaged in a Bloor Corridor / Annex Block Study which focuses on development applications along the north side of Bloor Street West, between St. George Street and Walmer Road, and includes the 316 applications. A



Davies  
Howe  
Partners  
LLP

cornerstone issue in this study, and the 316 OMB appeal, is building height and setbacks.

On September 7, 2016, Toronto and East York Community Council (“TEYCC”) considered a report which proposed significant changes to the tall building setbacks in the above-referenced staff report together with a Supplementary Report dated August 31, 2016 (collectively, the “Staff Report”) which include proposed amendments to the Official Plan and By-laws 438-86 and 569-2013 (collectively, the “Proposed Amendments”).

Bloor-Madison has serious concerns with the Proposed Amendments.

The in-force Official Plan currently establishes a policy framework for built form which includes the following:

New development will be located and organized to fit with its existing and/or planned context.

Many recent projects have been approved at less than the setbacks being suggested in the Proposed Amendments. This has occurred in a manner consistent with the above-noted Official Plan policy regarding “context” and does not support the “one size fits all” approach to tower setbacks that will result from the Proposed Amendments.

This portion of the Bloor Street corridor is currently the subject a of a study by the City which shall include a significant element of public participation and stakeholder consultation. Further, there is an outstanding OMB appeal relating to the very issue of height and setbacks for the Lands and 316’s property which may have a corollary effect on our client’s interests., it is inappropriate to concurrently apply new Downtown-wide tall building official plan policies and zoning regulations to also deal with these matters.

As noted in the Staff Report, projects have provided less than these proposed minimum setbacks and been supported by Council or the Ontario Municipal Board on the basis of good planning principles. A redevelopment on the Lands may be exactly the type of situation contemplated, and because the consideration of height and setback issues is to be determined through an alternative City-lead study and an OMB process, it is not necessary to apply the Proposed Amendments to the Lands. In fact, without a specific examination of the context, a blanket adherence to arbitrary separation distances does not satisfy the necessities of good planning practice.



Davies  
Howe  
Partners  
LLP

For these reasons, we encourage Council not to adopt the TEYCC's recommendations for the Proposed Amendments. Alternatively, the Lands should be excluded from the substantive policies and regulations in the Proposed Amendments.

Kindly ensure that we receive notice of any decision(s) made by City Council regarding this item.

Yours truly,

**DAVIES HOWE PARTNERS LLP**

A handwritten signature in blue ink, appearing to read 'M. Michael Goldberg'.

per: Aaron Platt

IB:am

copy: Client  
Michael Goldberg, *Goldberg Group*